

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**Docket Number (Optional):
Gabriel et al-2**RECEIVED
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In re Application of: Gabriel et al -2

Application No.: 10/679,602

Filed: October 6, 2003

For: Cooling Channel Cover for a One-Piece Piston

The owner, Mahle GmbH, of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of U.S. Patent NO. 6,820,582 defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later:

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has all claims canceled by a reexamination certificate;
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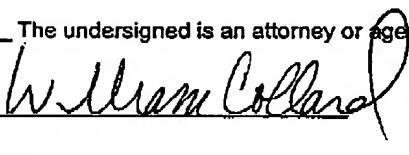
1.

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2. X The undersigned is an attorney or agent of record.

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1/19/05William Collard

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 X The Commissioner is hereby authorized to charge Collard & Roe, P.C.'s deposit account of 03-2468 the Terminal disclaimer fee under 37 CFR 1.20(d)

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